IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.351 OF 2007

Kokan Vana Shramik Sangh ..Petitioner.
Vs.
The Director,
Forest Guard Training Institute & Ors. ..Respondents.

Ms.H.Tavadia h/for H.V.Kode, advs. for the Petitioner.
Mr.D.A.Patil, A.G.P. for the Respondent/State.

CORAM : J.H.BHATIA, J.
DATE : DECEMBER 18, 2007.

P.C.:

1. Heard the learned counsel for the Parties. Read the affidavit-in-reply filed by Suresh B. Kewate, Director, Forest Guards Training School, Shahapur, Thane and the other relevant documents.

2. The petitioner had filed writ petition no.9916 of 2004 seeking direction to the respondents to give confirmation of service to Laxman Parsu Vekhande and Balu Parsu Nichite , who were allegedly working with Forest Guard Training Institute since 21st June, 1990. This claim was however, disputed by the respondents contending that they were working only on daily wages from time to time and there were no unfair labour practices. This Court while rejecting the petition observed in paragraph 1 that the reasoning given by the Industrial Court in the impugned order dated 13-10-2004

in dismissing the complaint can not be termed as perverse or patently erroneous. Having said so, this Court observed that if these two employees satisfied the requirements of Kalelkar Award, the benefit of the same should not be denied to them and for this they could file representation within four weeks from the date of disposal of the writ petition and the respondent no.1 was directed to forward the said representation to the respondent no.3/Government and the Government was to decide that representation within a period of two months. Thereafter, this contempt petition has been filed by the petitioner contending that in spite of lapse of more than 2 and half years, representation made by two workers has not been decided.

3. However, the affidavit filed by teh respondent no.1 reveals that representation was sent to the Government and it has been decided and rejected on 3-10-2006. By letter dated 24-1-2007, the Government has also directed the respondent no.3 to inform the concerned persons that their claim for confirmation of service could not be accepted. The order dated 3-10-2006 clearly reveals that in view of the judgment of the Supreme Court in **Umadevi v. State of Karnataka and in A.Umarani v. Registrar Co-operative Society Tamil Nadu**, the labourers working in forest department

could not be confirmed in regular service. It appears that Contempt Petition was filed on 31st August, 2007, i.e., ten months after representation was rejected. Record reveals that even the labour Commissioner had also informed the petitioner about the rejection of that representation by letter dated 13-7-2007. In spite of being fully aware that the representation was rejected though some delay was caused, the petitioners filed this contempt petition falsely alleging that the representation was not decided. In my considered opinion, merely because some delay was caused by the Government in deciding the representation, there can be no justification to take action for contempt of the Court.

4. In the result, Contempt Petition stands dismissed.

[J.H.BHATIA, J.]